



**U.S. Department of Justice
U.S. Attorney's Office
Western District of Texas**

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FOR IMMEDIATE RELEASE

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MIDLAND CONTRACTOR SENTENCED TO 33 MONTHS IN PRISON

United States Attorney Johnny Sutton announced that in Midland, Texas, Jon Mark Whitaker, 38, of Midland, was sentenced in federal court to 33 months in prison for mail fraud.

During the sentencing hearing yesterday, Senior United States District Judge Harry Lee Hudspeth, visiting from Austin, also ordered that Whitaker be placed on three years of supervised release after his imprisonment and ordered him to pay more than \$450,000 in restitution to his victims. Whitaker was indicted by a federal grand jury in Midland on March 22, 2006, and pled guilty to one count of mail fraud on August 30, 2006.

At his guilty plea hearing in August before Judge Hudspeth, Whitaker admitted that while doing business as "Homes by Whitaker" in 2004 and 2005, he was engaged by two families to act as construction manager for new homes to be built in Midland. Whitaker was to receive a monthly fee for his services. All invoices for supplies and subcontractor services provided in connection with the construction of the homes were to be presented to these customers for payment without mark-up. Beginning approximately November 2004, and continuing until approximately November 2005, Whitaker devised a scheme to defraud the customers in the construction of their respective homes, and to defraud suppliers and subcontractors who provided goods and services in the course of the construction of those homes. Whitaker would submit numerous invoices for payment to the customers that were fake, grossly inflated, and/or unrelated to the construction of their homes. Additionally, Whitaker would engage subcontractors and suppliers to provide goods and services for the customers' construction projects, and then fail to pay them even though he was often receiving inflated payments for their invoices from his customers. Periodically, Whitaker would make false promises to these subcontractors and suppliers that they would be fully paid, when in fact Whitaker had no other intention but to send them, at times using the U.S. mail, insufficient checks or, at best, partial payments as a means to lull them into staying on the job. Through his fraudulent scheme, Whitaker stole from both his customers and from his unpaid suppliers and subcontractors.

This case was investigated by the Midland Police Department and prosecuted by Assistant United States Attorney Jeff Parras.

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